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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 MICHAEL B. FJERSTAD,) CASE NO. C08-0791-RSM
09 Plaintiff,)
10 v.) ORDER RE: MOTION FOR
11 UNITED STATES DRUG ENFORCEMENT) RECONSIDERATION
ADMINISTRATION, et al.,)
12 Defendants.)
13 _____)

14 Plaintiff Michael B. Fjerstad submitted a motion for reconsideration of the Order denying
15 his motion for appointment of counsel. (Dkt. 13.) Having considered plaintiff's request, the
16 Court finds and ORDERS as follows:

17 (1) Pursuant to 28 U.S.C. § 1915(e)(1), "[t]he Court may request an attorney to
18 represent any person unable to afford counsel." However, there is no right to appointment of
19 counsel in a civil case. *See United States v. 30.64 Acres of Land*, 795 F.2d 796, 801 (9th Cir.
20 1986). Moreover, the Court may appoint counsel only in exceptional circumstances. *Wilborn*
21 *v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). A finding of exceptional circumstances
22 requires an evaluation of both the likelihood of success on the merits and the ability of the

01 individual to articulate his claims *pro se* in light of the complexity of the legal issues involved. *Id.*
02 In this case, concluding that it could not be said that plaintiff has demonstrated a likelihood of
03 success on the merits, or shown that, in light of the complexity of the legal issues involved, he is
04 unable to articulate his claims *pro se*, the Court denied plaintiff's motion for appointment of
05 counsel. (Dkt. 12.)

06 Local Rule 7(h) provides:

07 Motions for reconsideration are disfavored. The court will ordinarily deny such
08 motions in the absence of a showing of manifest error in the prior ruling or a
09 showing of new facts or legal authority which could not have been brought to its
10 attention earlier with reasonable diligence.

10 CR 7(h)(1). Here, having considered plaintiff's motion for reconsideration of the Order denying
11 his motion for appointment of counsel, the Court finds no showing of either manifest error or new
12 facts or legal authority. Accordingly, plaintiff's motion for reconsideration (Dkt. 13) is DENIED.

13 (2) The Clerk shall send a copy of this Order to the parties and to the Honorable
14 Ricardo S. Martinez.

15 DATED this 18th day of September, 2008.

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17 Mary Alice Theiler
18 United States Magistrate Judge
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